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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,017	01/21/2004	Robert J. Yarem	YARM 2 00002	3981

7590 11/16/2004

Joseph D. Dreher, Esq.  
Fay, Sharpe, Fagan, Minnich & McKee, LLP  
Seventh Floor  
1100 Superior Avenue  
Cleveland, OH 44114-2518

EXAMINER

RINEHART, KENNETH

ART UNIT	PAPER NUMBER
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3749

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/762,017

Applicant(s)

YAREM ET AL.

Examiner

Kenneth B Rinehart

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12, 14-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 5-11, 13, 17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/21/04, 3/28/04
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement filed 3/8/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. There is no copy of "The Walinga Agri-Vac Delivers" article.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 12, 14, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Lin. Lin shows grinding animal byproduct material to a predetermined size (claim 1a); separating protein from the animal byproduct material to produce a meal (claim 1c, d); and drying the meal (claim 1j), wherein said grinding step comprises the step of reducing the animal byproduct material to a particle size less than about 4 mm (claim 3), the animal byproduct includes chicken bones (claim 4), the animal byproduct includes the entire leftover portion of the animal being processed (column 1, lines 29-31), a grinder for reducing animal byproducts to a predetermined size (fig. 1); a separator downstream from said grinder (fig. 1, claim 1c, d); and a dehydrator receiving material from said separator and removing water therefrom (claim 1j), said grinder is adapted to grind animal byproduct material that includes chicken bones (claim 4), said separator

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comprises a centrifuge adapted to separate animal byproduct into oil, water and solids (col. 11, lines 65-66), .

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Lanter et al. Lanter et al shows a grinder for reducing animal byproducts to a predetermined size (col. 8, lines 59-61); a separator downstream from said grinder (col. 9, line 23-25); and a dehydrator receiving material from said separator and removing water therefrom (col. 9, line 25).

Claim 12 is rejected under 35 U.S.C. 102(b) as being anticipated by Lewis et al. Lewis et al shows a grinder for reducing animal byproducts to a predetermined size (col. 10, lines 10); a separator downstream from said grinder (col. 10, line 14); and a dehydrator receiving material from said separator and removing water therefrom (col. 10, line 16).

Claims 12, 16, and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Vermeulen et al. Vermeulen et al shows a grinder for reducing animal byproducts to a predetermined size (col. 1, lines 27-28); a separator downstream from said grinder (col. 1, line 29-30); and a dehydrator receiving material from said separator and removing water therefrom (col. 1, line 24-25), a heater interposed between said grinder and said separator (col. 1, line 19-20), said heater is adapted to introduce steam into animal byproduct material traveling through said heater (col. 1, line 19).

***Allowable Subject Matter***

Claims 5-11, 13, 17, and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to driers in general: Overton (4067119).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B Rinehart whose telephone number is 703-308-1722. The examiner can normally be reached on 7:30 -4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703-308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KBR

  
KENNETH RINEHART  
PRIMARY EXAMINER